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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,905	07/10/2006	Isto Heiskanen	0696-0226PUS1	3871
2292 7590 11/17/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER THOMPSON, CAMIE S				
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
11/17/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/562,905

Applicant(s)

HEISKANEN ET AL.

Examiner

Camie S. Thompson

Art Unit

1794

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed July 24, 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Individual Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 10/8/08

DETAILED ACTION

1. Applicant's amendment and accompanying remarks filed July 24, 2008 are acknowledged.
2. Examiner acknowledges that claims 1-19 are pending in the application.
3. Examiner acknowledges amended claims -19.
4. The objection to claims 1-22 are withdrawn due to applicant's argument.
5. The rejection of claims 20-22 under 35 U.S.C. 112, second paragraph is withdrawn due to applicant's argument.
6. The rejection of claims 1-7, 9-10 and 12-19 under 35 U.S.C. 102(b) as being anticipated by WO 01/49938 is withdrawn due to applicant's argument.
7. The rejection of claim 8 under 35 U.S.C. 103(a) as being unpatentable over WO 01/49938 in view of Rohlf et al., U.S. Patent Number 6,489,040 is withdrawn due to applicant's argument.
8. The rejection of claim 11 under 35 U.S.C. 1039a) as being unpatentable over Akao et al., U.S. Patent Number 5,492,741 in view of Penttinen et al., U.S. Pre Grant Publication 2003/0059591 and in further view of WO 01/49938 is withdrawn due to applicant's argument.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-10 and 12-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Rohlf et al., U.S. Patent Number 6,489,040.

Rohlf discloses a wallboard comprising cover sheets that have a size such as alkenyl succinic anhydride (ASA) (see column 3, lines 50-65). Additionally, the reference discloses that the cover sheets comprise a wet-strength size such as polyamide epichlorohydrin resin (see column 3, lines 66-67). It is disclosed in column 5, lines 49-52 that the wet strength resin is added in the amount of 1 to 25 pounds per ton (.1-.25 kg/ton). It is disclosed in column 6, lines 15-16 that alum is added in the amount of 0 to 30 pounds per ton and ASA is added in the amount of 1 to 25 pounds per ton (see reference claim 1). The reference discloses in column 7, lines 35-68 that a polymer material is added to board material. It is disclosed in column 4, lines 45-64 that the board is in a fibrous envelope. Rohlf discloses that the board is heated under pressure at temperatures of about 150-200 degrees for about 45 minutes. Column 6, lines 23-25 discloses that the assembled sheet is calendared.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akao, U.S. Patent Number 4,784,906 in view of Penttinen et al., U.S. Patent Number 2003/0059591 and in further view of Rohlf et al., 6,489,040.

Akao discloses a packaging material that is a multilayer which comprises a light-absorptive, light-shielding thermoplastic resin layer with 0.01 to 1% by weight of carbon black on the inner layer and an outer layer comprising a light reflective, light-shielding as the outer layer (see abstract). Additionally, the reference discloses that the light reflective layer comprises titanium dioxide (see column 6, lines 7-54). Also, the reference discloses that the light reflective material is present in the amount of 0.01 to 15 weight percent. The reference also discloses that the light reflective layer. The reference discloses that the polymer layers can comprise polypropylene (see column 5, line 65-column 6, line 6). It is disclosed in column 8, lines 1-23 that the one or more flexible sheet layers are laminated onto the film. The reference discloses that the flexible sheet can be paper. Figures 3, 4 and 19 of the reference disclose bleached kraft paper sandwiched between a light-shielding resin layer and a light reflective resin layer. It is disclosed in column 9, lines 3-4 that the packaging material can be used for packaging food. Akao does not disclose a grey tint in the inner polymer layer as per instant claims 5 and 14-15. Penttinen discloses a multi-layer heat-sealable packaging material. Penttinen also discloses that

the packaging material comprises a fibrous base with two polymeric materials on both sides of the fibrous base with the innermost polymeric layer comprises white pigment (see abstract, Figures and paragraph 0023). Additionally, Penttinen discloses that the innermost layer is tinted grey by mixing black pigment with white pigment (see paragraph 0011). The grey tint makes the appearance of aluminum foil. The grey tint makes the packaging material more acceptable for market use. Therefore, it would have been obvious to one of ordinary skill in the art to have the grey tint for the innermost layer of the Akao reference so that the packaging material is aesthetically pleasing to the consumer. Akao does not disclose an oxygen barrier layer. Penttinen discloses an oxygen barrier layer comprised of EVOH or polyamide (see abstract and paragraph 0015). The oxygen barrier layer protects against visible light and other foreign materials. Therefore, it would have been obvious to one of ordinary skill in the art to use an oxygen barrier layer between the polymeric layer and the fibrous base in order to have a packaging material that protects the contents from degradation. Neither reference discloses the package is treated with a sizing composition. Rohlf discloses a wallboard comprising cover sheets that have a size such as alkenyl succinic anhydride (ASA) (see column 3, lines 50-65). Additionally, the reference discloses that the cover sheets comprise a wet-strength size such as polyamide epichlorohydrin resin (see column 3, lines 66-67). It is disclosed in column 5, lines 49-52 that the wet strength resin is added in the amount of 1 to 25 pounds per ton (.1-.25 kg/ton). It is disclosed in column 6, lines 15-16 that alum is added in the amount of 0 to 30 pounds per ton and ASA is added in the amount of 1 to 25 pounds per ton (see reference claim 1). The addition of a sizing composition to a packaging material affects penetration of the packaging material. Therefore, it would have been obvious to one of ordinary skill in the art to provide the

sizing composition of the Rohlf reference onto the Akao packaging material in order to inhibit liquid penetration into the packaging material.

Response to Arguments

13. Applicant's arguments with respect to the present claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (571) 272-1530. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Lawrence Tarazano, can be reached at (571) 272-1515. The fax phone number for the Group is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or would like to access the automated information system, call (800) 786-9199 (IN USA OR CANADA) OR 571-272-1000.